

Message Text

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PAGE 01 STATE 264964
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FM SECSTATE WASHDC
TO AMEMBASSY ISLAMABAD

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FOL RPT GENEVA 09555 ACTION SECSTATE 1 NOV 77 QUOTE

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PASS STR ELECTRONICALLY FOR STEWART

E.O. 11652: N/A
TAGS: GATT, EEC
SUBJECT: GATT COUNCIL PAKISTAN WAIVER

REF: GENEVA 9539

1. SINCE SENDING REFTEL WE HAVE DISCUSSED PAKISTAN DRAFT WITH LOCAL REP (HAMID). HAMID ARGUES THAT WORD-ING IN TRAIIONAL PARAGRAPH 1 OF SUCH WAIVERS (SEE INDONESIA, BISD 23 SUPPLEMENT PAGE 8-9 FOR TYPICAL EXAMPLE) GOES BEYOND AND IS INCONSISTENT WITH THE NORMAL LANGUAGE IN GATT ARTICLE XXVIII:2. HE NOTES THAT ARTICLE XXVIII:2 SAYS THAT SUCH NEGOTIATIONS MAY INCLUDE PROVISION FOR COMPENSATORY ADJUSTMENT, BUT PARA 1 OF USUAL WAIVER SAYS THAT SUCH NEGOTIATIONS SHALL BE RELATED TO THE CONCESSIONS OFFERED BY PAKISTAN AS
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COMPENSATION. HAMID SAID HE BELIEVES PARAGRAPH 1 AS DRAFTED REFTEL, SINCE IT REFERS TO PARAGRAPHS 1-3 OF ARTICLE XXVIII, COVERS THIS ASPECT SUFFICIENTLY, BUT THAT HE COULD ACCEPT REPETITION OF ARTICLE XXVIII:2 IN PARA 1 OF WAIVER IF WE DESIRED. WE ARGUED THAT WAIVER PARAGRAPHS DO NOT HAVE TO COINCIDE SPECIFICALLY WITH ARTICLE XXVIII, AND THAT, SINCE PAKISTAN WAS ASKING

FOR A WAIVER FROM ARTICLE II, A WAIVER COULD MAKE SUCH REQUIREMENTS AS APPEAR IN THE USUAL WAIVER.

2. CONCERNING OMITTED PARAGRAPH 4 IN PAKISTANI DRAFT, HAMID THOUGHT THAT THIS PARAGRAPH, WHICH ALLOWED RETALIATION, WAS INCONSISTENT WITH PARAGRAPH 3 WHICH REQUIRED NEGOTIATIONS TO BE COMPLETED BY A CERTAIN DATE. WE POINTED OUT THAT PARAGRAPH 4 PERMITS RETALIATION PENDING THE ENTRY INTO FORCE OF THE RESULTS OF NEGOTIATIONS (PRESUMABLY AFTER NEGOTIATIONS ARE COMPLETED). HAMID SAID THAT HE UNDERSTANDS THIS BUT THE IMPRECISENESS OF REMAINDER OF USUAL PARAGRAPH 4 ALLOWING RETALIATION IF CONCESSIONS ARE NOT OFFERED WITHIN A REASONABLE TIME SHOULD BE TIGHTENED, SINCE VAGUENESS OF THIS LANGUAGE SEEMS TO ALLOW RETALIATION DURING THE PERIOD OF THE WAIVER.

3. ACTION REQUIRED: WE HOPE TO SETTLE THIS ISSUE BY NOVEMBER 4 OR EARLY WEEK OF NOVEMBER 7 AT LATEST IN ORDER TO AVOID WRANGLE IN GATT COUNCIL. REQUEST INSTRUCTIONS. VANDEN HEUVEL

UNQUOTE VANCE

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Message Attributes

Automatic Decaptioning: X
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Control Number: n/a
Copy: SINGLE
Sent Date: 05-Nov-1977 12:00:00 am
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Disposition Approved on Date:
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